

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Tenley Krueger on 10/25/10.

The application has been amended as follows:

#### **In the claims:**

Non-elected claims 8-21 have been canceled.

#### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

Claims 22-29 are written in product-by-process format and for the purposes of examination have been construed to contain, specifically claims 22 and 29, at least the following structure:

A sterilizable container comprising a sealed pouch containing a liquid wherein the wall of the pouch is a single layer or multi-layered (since applicant uses the term comprising which does not exclude the inclusion of further layers) wherein the single layer or the liquid contacting layer of a multi-layer laminate consisting essentially of a single, as opposed to a blend, metallocene ethylene polymer having a density within the

Art Unit: 1782

range of 0.928-0.942 g/cm<sup>3</sup>, wherein the container is capable of retaining its integrity at a sterilization temperature of 118 degrees C.

The prior art fails to teach or suggest the aforementioned structure. With regards to the prior art, the examiner agrees with applicant's arguments of 10/21/10, specifically the arguments presented on pages 6-8.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael C. Miggins/  
Primary Examiner, Art Unit 1782

MCM  
October 25, 2010